Vol. F. IX-4

Previous References

1936.
(Memorandum)

File No. 110 - 36

Serial Nos. 1 - 2

Letter References.

Mez 290-36-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for November 1936

SUBJECT.

Surrendering the property endowed by Giriam
in favour of Sri Venkataramanaswami temple
at Karigheta

From Mez Comm
No 23 & 27 11-36

WD 0418—GPB—22,500—29-8 36

Foo a copy of legal opinion in file
for necessary action.

GENERAL AND REVENUE SECRETARIAT.

(Mangalore)

2605-P

NOTES.

File No. MO-36

FILE HEADING.

Surrendering the property of [illegible] on his leaving [illegible]

FROM

The Revenue Secretary, [illegible]

No. 3701/36 Dated 11/11/36 Received 12.11.36

Diary No. 4409	Enclos.	Spare copies	Serial No. 1.

BRIEF ABSTRACT OF LETTER

Requests views of Govt. on the proposal to [illegible] in favour of the Mysore Government [illegible]

NOTES AND ORDERS.

Law Section may be consulted in the matter

BR 2605 26/10 27.10.36.

Ask Secy Law with compliments for favour of opinion.

2
28/10/36

If Sriramma inherited the property in question from her son, it [illegible]

NOTES—First Sheet

WD 02552—GPB—5,000—10-7-30

File No. of 193 .

General and Rev Secretariat

Strishana under sec 10(2)(g) of Regulation X of 1933 which came into force on 1-1-34. Giriamma died in april or may 1934 after completing the gift. It is not therefore clear how the reversioners can claim the property as against the donee. The judgment of the Munsiff & the Sub Judge in appeal seem to be silent on this point. I think that delivery of possession has to be resisted on behalf of the temple & the party driven to file a suit against the institution.

Forwarded with compts to the Govt advocate for favour of advice.

31/10/36

x (they are however not binding on pet- since they were not parties)

117

Law

RtR.

31/10

L.G.No. 2968/36

GOVT. ADVOCATE

No. 370/36.B

2.11.36

Returned with compliments.

No. 77/36

14.11.36

The reversioners attempted to implead the Muzrai authorities in their suit but abandoned that course eventually, on the objection ~~made~~ raised by the Public Prosecutor. Any decree made in that suit cannot obviously bind the Muzrai authorities or the temple in question to any extent, as the

Munz

pointed out ∅ in his note. But I do not think that he is right in representing that Giriyamma owned no more than a limited estate in the property which she devised in favour of the temple, and Regulation X of 1933 is clearly against that view as it is not suggested that at the time the property was inherited by Giriyamma there was a daughter or daughter's son of the propositus alive. There appears to be no doubt that Giriyamma was alive when the Regulation came into force and on and from that date the property became her Stridhana which she could dispose of as she has done - Vide 13 Mysore Law Journal page 79. In my opinion it would be quite proper for the Muzrai authorities to resist the execution proceedings.

GENERAL SECRETARY.
16 NOV. 1936

M. Venkatarama Iyer
Government Advocate.

CSN/14.11.36

Asst. Secy
Muz. Branch
with Compliments

BKR
16.11.36

16/11/-

7

If approved the opinion of the Govt. Advocate will be communicated to the M.C and he will be requested to take action to resist the execution proceedings as suggested therein.

BKR 16.11.36.
17/11/36

8 Jy. Draft Memo.

17/11/-

Submitted with a draft reply to the M.

Draft for favour of approval before mine.

2
19/11/36

Gen Hervey. Ans
20/11

Secy
20/11/

737 dated 27.11.36 2

The Hon'ble Sir [illegible]

[illegible]

[illegible]

TYPING SECTION.
20. NOV. 1936
GEML

GENL 409 20 OCT 1936

390
36.7
Sec. Records of (2 files)

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE

Bangalore, 15th October 1936

From

K. V. ANANTARAMAN, ESQ. B.A.,
Muzrai Commissioner in Mysore

Mcg 110 — 36

To

GENERAL SECRETARY. 19 OCT. 1936

Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness the Maharaja of Mysore

General *Department*

SIR,

Re. surrendering the property endowed by one Giriyamma in favour of Sri Venkataramanaswami temple at Karighatta.

I have the honor to state that the Deputy Commissioner, Mysore District, reports in his letter No.R.174/34 dated the 28th September 1936 (copy enclosed) that one Giriyamma endowed, by means of a Registered Will, an extent of 38 guntas of wet land in S.No.39 of Puttayanakoppal in favour of the above temple. The endowment was accepted by the Deputy Commissioner in his order No.R.H.838/33 dated the 14th March 1934.

2. After the death of Giriyamma, her agnates claimed all her properties as reversioners and filed a suit before the Munsiff of Seringapatam for the recovery of the same. The Public Prosecutor was requested to defend the suit but he doubted the maintainability of the suit as against the Muzrai Officer. The plaintiffs also, not being inclined to implead the Muzrai Officers, the suit proceeded against the original defendants and the plaintiffs having proved their relationship as agnates to the last male owner of the property, the suit was decreed by the Munsiff and this decree was confirmed by the appellate court on 11-7-1936.

3. Neither the acceptance of the endowment nor the fact of the issue of notices to the Amildar and the Sub Division Officer by the court was brought to the notice of this office or Government and the Deputy Commissioner acted entirely on the advice of the Public Prosecutor

4. It is now reported that the plaintiffs have taken execution proceedings and have asked for the delivery of the property. The Public

Prosecutor who was consulted in the matter has opined purpose would be served by contesting the matter, as Giriyamma only a life interest in the property and has suggested that the property may be surrendered to the possession of the plaintiffs. The Deputy Commissioner, agreeing with the Public Prosecutor, has requested sanction for surrendering the land to the plaintiffs and for cancelling the acceptance of the gift.

5. I request that orders of Government may kindly be conveyed on the proposal of the Deputy Commissioner, in consultation with the Law Section, if necessary.

6. The connected records on the subject are herein enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

M. N. Bhandarkar.

Assistant Commissioner
For Muzrai Commissioner.
(Absent from headquarters)

174/ ed 28-9-36 from the Deputy Commissioner, sore
o the Muzrai Commissioner in Mysore.

Lands endowed to Sri Venkataramanaswamy temple at Karighatta by Giriyamma.

I have the honor to state that an extent of 38 guntas of wet land out of S.No.39 of Puttayyanakoppal, Seringapatam Taluk, endowed in favour of Sri Venkataramanaswamy temple on Karighatta hills by one Giriyamma was accepted in this office No.R.H.838/33 dated 14th March 34 and orders were accordingly issued to local officers with instructions to lease out the lands to the then lessee Chikkegowda for a period of 5 years from 1934-35, on an annual rental of 7 candies per year and also to submit suitable scale of expenditure for the performance of the sevas, stipulated by the donor.

2. After the death of the donor Giriyamma, the agnates having claimed all the properties of the deceased Srinivasa (son of the donor Giriyamma) and filed a suit accordingly, in the court of the Munsiff at Seringapatam, the suit brought in by them was decreed by the Munsiff and also confirmed by the appellate court on 11th July 1936. Now, the successful plaintiffs have taken execution proceedings and asked for the delivery of the land referred to above, in the enjoyment of the temple to which it was endowed by the donor Giriyamma. The Public Prosecutor who was consulted in the matter, has expressed his opinion that the donor Giriyamma's interest in the land in question, being only life interest, it terminated with her death, and she could not obviously make a testamentary disposition and that as the plaintiffs have been adjudged by the civil court to be the reversioners, the matter need not be pursued and the land which is now in the enjoyment of the temple, surrendered to the possession of the plaintiffs.

3. I agree with the Public Prosecutor in the opinion expressed by him and request that sanction may kindly be accorded to the surrender of the land in question to the plaintiffs cancelling also the acceptance of the gift.

4. The files of records on the subject together with the Public Prosecutor's letter No.398 dated 18th September 1936 accompany.

"C O P Y"

M. N Ananda Rao

15.10.36 For Muzrai Commissioner.

SUBJECT .....

.....

.....

Section Mis

File No. 110-36

Serial No. 2

No. 73) Encls one + 2 files

To The M.C in Mysore

Sir,

With reference to your M C 340/36.7 dated 17.10.36 regarding the surrendering the properly endowed lands Govt in favour of Sri Venkataramanaswami temple at Kanjikatte in Taluk, I am directed to forward herewith a copy of the legal opinion in the matter and to request you to be so good as to take action to resist the execution proceedings as suggested therein

Diary No. of letter replied to .....

#6
RS

General and Revenue Secretariat

( )

tne 193 .

Date of issue ... 2) 11-36 ...

Signed by ... Mr Mir Safdar Hussain

-x- Typist. Please type paras 3 & 6 of the note as a enclosure. Mir S

List of enclosures .....

pied by ... .

Examined by .. ..

WD 01956—GPB—22,500—12-6-34

Words cannot express
your letter was received here
Thank you

GW